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C14-70-149 Otto Lentz--contd.

intrusions in this neighborhood. "BB" Residential and "C" Commercial zoning have been permitted between Capital Drive and I. H. 35, but not west of Capital Drive. To approve this request for "C" Commercial would be to approve an intrusion into this residential single-family neighborhood. The present use is in conflict with the Zoning Ordinance. The staff recommends the request be denied. If granted, subject to five feet of right-of-way on Middle Lane.

TESTIMONY

WRITTEN COMMENT

Hope & Ellen Brown: 404 East Fawnridge Drive	FOR
Audon Z. Lopez: 9102 North Drive	AGAINST
Clarence Miksch: 305 Middle Lane	AGAINST
Howard A. Tonn: 506 East Fawnridge	AGAINST
Furman S. Blair: 406 East Fawnridge Drive	AGAINST
Harry L. Walton: 9107 North Drive	AGAINST
Alex L. Kleinert: 9207 North Drive	AGAINST
J. D. Crosby: 300 East Fawnridge	AGAINST
R. E. Martin: 401 Middle Lane	AGAINST
Mr. & Mrs. B. E. Sanders: 9100 North Drive	AGAINST
James A. Ehrhardt: 312 Middle Lane	AGAINST
Curtis L. Peschke: 306 Fawnridge	AGAINST
Mr. & Mrs. Charles B. Stanford: 9106 North Drive	AGAINST

PERSONS APPEARING AT HEARING

Otto Lentz (applicant)	
Clarence Miksch: 305 Middle Lane	AGAINST
Mrs. J. D. Crosby: 300 East Fawnridge	AGAINST

SUMMARY OF TESTIMONY

The applicant was present on behalf of the request but had nothing to add to the report by the staff.

Mr. Clarence Miksch, 305 Middle Lane, appeared at the hearing and stated that he and his neighbors oppose this change because of the problems created by the traffic. This business has many trucks going in and out and generates street parking just outside the immediate area. It is felt that this situation is hazardous for the many children residing in this neighborhood.

Mrs. J. D. Crosby stated that this business has six to eight automobiles parked on the street during business hours, which create a hazard for children crossing the street.

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C14-70-149 Otto Lentz--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a residential neighborhood.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Otto Lentz for a change of zoning from "A" Residential, First Height and Area to "C" Commercial, First Height and Area for property located at 309 Middle Lane be DENIED.

C14-70-150 Cornelia E. Terry: A to O
1909 Koenig Lane

STAFF REPORT: The subject property contains an area of 8,700 square feet with the proposed use being a construction company office. "A" Residential zoning and single-family homes predominate this residential neighborhood on either side of Koenig Lane. However, "O" Office is now established three lots to the east of the subject property and a pending case for "O" Office is adjacent to the subject property. "LR" Local Retail exists in several locations on the north side of Koenig Lane. A bookkeeping service, which is a non-conforming use, exists two lots to the west. An insurance office and electronics office are to the east. The staff recognizes this area is changing. The recommendation is to grant, subject to ten feet of right-of-way on Koenig Lane.

TESTIMONY

WRITTEN COMMENT

Alvis Vandygriff: 400 1st Federal Savings Bldg. FOR

PERSONS APPEARING AT HEARING

Jean Ernst (representing applicant)
Robert F. Spencer: 1802 Ullrich Avenue AGAINST

SUMMARY OF TESTIMONY

Jean Ernst, represented Mrs. Terry before the Committee, stating that a construction company office was planned at this location. She requested information on uses allowed under this zoning and Mr. Lillie of the staff answered her inquiry.

No one appeared in opposition to the request.

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C14-70-150 Cornelia E. Terry--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as a logical extension of the zoning pattern along Koenig Lane. Ten feet of right-of-way is required on Koenig Lane.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Cornelia E. Terry for a change of zoning from "A" Residential, First Height and Area to "O" Office, First Height and Area for property located at 1909 Koenig Lane be GRANTED.

C14-70-151 Werner G. Keilers: A, 1st to B, 2nd
412 West 38 1/2 Street
413 West 39th Street

This request covers an area containing 9,500 square feet to be used as a site for construction of multi-family housing. "A" and "B" Residential, First and Second Height and Area is scattered throughout the area, with "C" Commercial established along Guadalupe. Single-family and apartment uses are also scattered through this neighborhood. A children's home is located to the south and Baker Junior High School is to the north. Two recent requests for "B" Residential, Second Height and Area have occurred to the immediate west. One was granted, and one is pending. This is a logical request for multi-family zoning. The staff recommends this request.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as a logical extension of the zoning pattern in the neighborhood.

C14-70-151 Werner G. Keilers--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Werner G. Keilers for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 412 West 38 1/2 Street and 413 West 39th Street be GRANTED.

C14-70-152 Safeway Stores, Inc.: LR, 1st to LR, 2nd
1309-1335 Parker Lane
1813-1919 East Riverside Drive

STAFF REPORT: This request is on an area of 4.85 acres, proposed use for a 50-foot Safeway sign. "BB", "B" Residence, "LR" Local Retail, and "GR" General Retail zoning are mixed in this area. Second Height and Area exists on the small lot to the north and on some property east of Tinnin Ford Road. This is a logical request for increased Height and Area classification. The staff recommends the denial of the request and recommends the change for the area of the sign. This will require a specific metes and bounds description.

TESTIMONY

WRITTEN COMMENT

H. H. Rothell, Jr.: 3810 Meidcal Parkway FOR

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, but recommended to grant "LR" Local Retail, Second Height and Area zoning for the site of the sign only.

Mr. Lillie of the staff advised the Commission members that the applicant wishes to erect four or five parking lot light standards to a height of 40 feet, which may require the Second Height and Area zoning also. Mr. Stevens of the Building Official's office will research the Ordinance to make sure this is the correct application.

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C14-70-152 Safeway Stores, Inc.--contd.

The Commission briefly discussed this request and then unanimously

VOTED: To recommend that the request of Safeway Stores, Incorporated for a change of zoning from "LR" Local Retail, First Height and Area to "LR" Local Retail, Second Height and Area for property located at 1309-1335 Parker Lane and 1813-1919 East Riverside Drive be DENIED, but recommended the granting of "LR" Local Retail, Second Height and Area, for the site of the light standards and the sign only, as described by the field notes.

C14-70-153 Andrew Viscardi: A to O
905-907 East 51st Street

STAFF REPORT: This change of zoning is proposed for an area of 10,400 square feet, to be used for an office. "A" Residence and single-family development predominates the area. Commercial zoning is established along Airport Boulevard. "O" Office exists on one lot across 51st Street at the intersection of Depew Avenue and East 51st Street. This zoning request is premature. The staff's recommendation is to deny this request as an intrusion and encroachment into a well-established single-family neighborhood. If granted, 15 feet of right-of-way is needed on East 51st Street.

TESTIMONY

WRITTEN COMMENT

Walter T. Anderson: 915 East 51st Street FOR

PERSONS APPEARING AT HEARING

Andrew Viscardi (applicant)
Mrs. David Trainer: 910 East 51st Street AGAINST

SUMMARY OF TESTIMONY

The applicant was present on behalf of his request and had nothing to add to the report by the staff.

Mrs. David Trainer, a resident of the area, appeared before the Committee and requested information on the uses allowed under the requested zoning. She stated that she did not object to office use, but did object to apartment development.

Mr. Viscardi stated that with a filling station, a beauty parlor and a commercial building near this site, it is no longer suitable for "A" Residence zoning.

C14-70-153 Andrew Viscardi--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee discussed this request and considered that while 51st Street is a proposed major arterial street, this neighborhood has maintained itself with no intrusions into the interior and should be protected. This neighborhood is bounded by Airport Boulevard, Koenig Lane and Interstate Highway 35. These three major boundaries are in predominantly commercial usage. The residential interior of the area has a grid street pattern and is subject to much through traffic. This area needs careful zoning protection, as development will probably be piecemeal on inadequate streets, unless there is acquisition of several tracts of land by developers. Fifty-first Street may be the logical northern boundary for more intensive development. The tract under consideration is not suitable for single-family residence, and it is felt that the streets are not adequate to handle apartment development.

The Committee concluded that this request should be granted, as appropriate zoning between commercial and residential uses, subject to 15 feet of right-of-way on East 51st Street.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Andrew Viscardi for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 905-907 East 51st Street be GRANTED, subject to 15 feet of right-of-way on East 51st Street.

C14-70-154 Andrew Viscardi: A to GR
1711-1813 Redwood Avenue

STAFF REPORT: This application is on an area of one acre to be used for an auto repair garage and/or a sign shop and advertizing company. "GR" General Retail, "C" Commercial and "A" Residential zoning are established at the intersection of East 19th Street and Redwood Avenue. The remainder of this area is almost completely "A" Residential. Single-family residences are developed along Deloney Street to the east and along Redwood Avenue to the south, west and north. Apartments and commercial uses exist at the intersection of Redwood Avenue and 19th Street. 19th Street is a Major Arterial and Redwood Avenue is a minor residential street. Three churches are located nearby. The staff recommends that this neighborhood be protected from more intensive zoning. The recommendation is to deny the request. If granted, subject to five feet of right-of-way on Redwood Avenue.

Mr. Reeves asked if the staff would recommend a more intensive zoning use such as "B" Residence, as he felt that the nearby churches and the service station made this property undesirable for single-family residence. The staff feels that the existing apartment house and zoning between the service station and the subject tract serves as a buffer, and that the several residences across the street should be considered.

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C14-70-154 Andrew Viscardi--contd.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Andrew Viscardi (applicant)

SUMMARY OF TESTIMONY

The applicant was present and stated that the development between his tract and the filling station is substandard, that the church across the street has a large lot and that there are no people in the area. The church to the south of this lot has been moved to that location and is a dilapidated building undergoing repairs. He is planning to use this property for a sign company, but felt that the location could support low-rental apartments.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, but recommended to grant "B" Residence, First Height and Area, as appropriate zoning for the site, subject to five feet of right-of-way on Redwood Avenue.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Andrew Viscardi for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1711-1813 Redwood Avenue be DENIED, but recommended that "B" Residence, First Height and Area be GRANTED, subject to five feet of right-of-way on Redwood Avenue.

C14-70-155 Austex Development Company, Ltd.: Int. A, Int. 1st to C, 1st
Tract 1: 1316-1402 Rundberg Lane
Tract 2: 1414-1446 Rundberg Lane
9400-9522 Cameron Road

STAFF REPORT: This request is on two tracts containing 10.47 acres to be used for the construction of a community shopping center. Vacant property lies in all directions. This area has recently been annexed by the City. These two tracts are a part of the Windsor Hills Subdivision. The staff agrees that the logical location for retail uses is at the intersection of major arterial streets. Both Rundberg Lane and Cameron Road are major arterials. The staff feels that "C"

C14-70-155 Austex Development Company, Ltd.--contd.

Commercial zoning is too intensive. Wholesale and outside storage uses should not be located just across a residential street from over a dozen single-family homes. The staff therefore recommends the denial of "C" Commercial and the granting of "GR" General Retail on the large tract and "B" Residential on the small tract, subject to a subdivision to provide sufficient right-of-way to widen Cameron Road to 60 feet from the center line and Rundberg Lane 45 feet from the center line.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Bill Williams (representing applicant)

SUMMARY OF TESTIMONY

Mr. Bill Williams, representing Austex Development Company, Ltd., stated that his client requested "C" Commercial zoning in order to have more flexibility in the development of this site. It is felt that the tract on the west side of Marlborough Drive should be commercial in character as the adjoining area will be developed as duplexes. The developer wishes to establish the zoning of this property at this time in order to make this development clear to prospective buyers of the surrounding tracts. In connection with the westerly tract, the tract directly across from it on Rundberg Lane is being developed as a mobile home park and the developer feels that this tract will not be permanent housing.

The staff pointed out that the large tract to the west of the subject tracts will be developed as a junior high school.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, but recommended to grant "LR" Local Retail on Tract 1, and "GR" General Retail on Tract 2, as appropriate zoning at the intersection of two major arterial streets, subject to a subdivision providing for sufficient right-of-way to widen Cameron Road to 60 feet from the center line and Rundberg Lane to 45 feet from the center line.

C14-70-155 Austex Development Company, Ltd.--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Austex Development Company, Ltd. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, First Height and Area for property located at (Tr. 1) 1316-1402 Rundberg Lane and (Tr. 2) 1414-1446 Rundberg Lane and 9400-9522 Cameron Road be DENIED, but recommend that "LR" Local Retail, First Height and Area (Tr. 1) and "GR" General Retail, First Height and Area (Tr. 2) be GRANTED, subject to a subdivision providing for sufficient right-of-way to widen Cameron Road to 60 feet from the center line and Rundberg Lane to 45 feet from the center line.

C14-70-156 W. D. Dowdy: A to O
1907 Koenig Lane

STAFF REPORT: This request is on an area of 8,700 square feet to be used for an office. "A" Residential zoning predominates this residential neighborhood on either side of Koenig Lane. However, "O" Office is established two lots to the east and a pending case for "O" Office is adjacent on the west. "LR" Local Retail exists on several lots across Koenig Lane. Single-family homes are developed along Koenig Lane on both sides. A non-conforming bookkeeping service exists to the west and a non-conforming electronics office exists to the east. An insurance office is across Koenig Lane and zoned "LR" Local Retail. The staff recognizes this as a changing area and recommends the request, subject to 10 feet of right-of-way on Koenig Lane.

TESTIMONY

WRITTEN COMMENT

William J. Scudder: 1806 West 35th Street	FOR
Alvis Vandygriff: 400 1st Federal Savings Bldg.	FOR

PERSONS APPEARING AT HEARING

Jean Ernst (representing applicant)	
Robert F. Spencer: 1802 Ullrich Avenue	AGAINST

SUMMARY OF TESTIMONY

No one appeared in favor of this request.

Mr. Robert Spencer stated that the property owners should have some assurance that this fine residential neighborhood would be maintained. There are three excellent schools in the area which his children attend, and this is the primary reason many of the residents purchased homes in the area. He requested information on what is allowed under "O" Office zoning; Mr. Lillie of the staff advised him of the uses allowed. Mr. Spencer felt that this would create

C14-70-156 W. D. Dowdy--contd.

a similar situation as that on Burnet Road, between 35th and 39th Streets, with houses and office buildings side by side. He feels that property values will be lowered if this request is granted.

Jean Ernst, representing the applicant, explained that this property would be used for a gift shop or a fabric shop. The plans are to have the parking area in front of the present building on the site, which may be modified slightly. It is felt that this change will improve the area. Traffic should not create a problem, as it will all be ingressing and egressing on Koenig Lane.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as a logical extension of the zoning pattern along Koenig Lane, subject to 10 feet of right-of-way on Koenig Lane.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of W. D. Dowdy for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1907 Koenig Lane be GRANTED, subject to 10 feet of right-of-way on Koenig Lane.

C14-70-157 John Lawrence: A to B
3410-3412 Duval

STAFF REPORT: This application is on a tract containing 13,000 square feet to be used for the purpose of operating a boarding house. The majority of this area is "A" Residence, and developed as such. Two non-conforming apartments are in the area, one on the subject site. Several duplexes exist across Duval. "BB" and "B" Residence zoning is scattered throughout the area to the west between Guadalupe and Duval Street and San Jacinto to 38th Streets. This area has been recommended for "BB" and "B" Residence, First Height and Area by the 1967 Area Study where streets are adequate. The staff recommends the request subject to 2.5 feet of right-of-way on 35th Street and 5 feet of right-of-way and five feet of sidewalk and utility easement on Duval Street. Duval Street is a major arterial street with an existing 38 feet of paving and a proposed 70 feet of right-of-way plus five feet sidewalk and utility easements on each side.

TESTIMONY

WRITTEN COMMENT

- | | |
|---|---------|
| Rachelle Johnson: 3405B Tom Green | AGAINST |
| Mrs. Alma D. Campbell: 3504 Duval | AGAINST |
| Mrs. Clifford Montgomery: 3506 Duval | AGAINST |
| Mrs. F. A. Wood: 3402 Duval | AGAINST |
| Mr. & Mrs. Vida Hall Holloway: 404 East 34th Street | AGAINST |

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C14-70-157 John Lawrence--contd.

PERSONS APPEARING AT HEARING

Robert D. Jones (representing applicant)
Jean Ernst: 8411 Staunton Drive
Rachelle Johnson: 3405 B Tom Green

FOR
AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Jones, represented the applicant before the Committee, stating that this application is on 3410 Duval Street only and does not include 3412 Duval Street which fronts on 35th Street, which means that the right-of-way requirement for 35th Street is not applicable. This property is on a busy street in the University area, and the applicant wishes to continue to operate a boarding house.

Arguments Presented AGAINST:

Mrs. Rachelle Johnson, 3405B Tom Green Street, stated that this property backs up to an unpaved alley less than 13 feet wide. Motorists use this alley during peak traffic periods, creating dust and a hazard to the children in the neighborhood. Mrs. Johnson feels that this block is overcrowded and constitutes a fire hazard to the City. Due to the proximity of the University, traffic is heavy and parking in the area is difficult. It is felt that this requested boarding house will add to the problems of traffic and congestion in this area.

Arguments Presented IN REBUTTAL:

Mr. Jones stated that there is no intention to enlarge the present structure, only to paint and repair it. This building is not in violation of the City's Fire Code. The owner is a counselor at the State Hospital, and will have patients as tenants, rather than students. There are five boarders at the present time and only one of them owns an automobile, the others use the bus system for transportation. It is felt that the granting of this request will not be detrimental to the neighborhood.

Mr. Lillie of the staff will request that the Traffic and Transportation Department study the circulation of traffic in this area and through this alley, with the possibility of some type of traffic control for the alley.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as being in conformance with recommendations in the 1967 study of the area, subject to five feet of right-of-way and five feet of sidewalk and utility easement on Duval Street.

C14-70-157 John Lawrence--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of John Lawrence for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 3410-3412 Duval be GRANTED, subject to 5 feet of right-of-way and 5 feet of sidewalk and utility easement on Duval Street.

C14-70-158 Jack Thomison: A to B
2009 Cullen Avenue

STAFF REPORT: The property under consideration is an area of 12,198 square feet to be used for apartment development. The area to the east of Hardy Drive is developed with single-family homes. Land along Burnet Road is used commercially. "GR" General Retail and "B" Residential zoning extend east from Burnet Road toward this property. A church and a kindergarten are located to the south, a duplex is to the west and a vacant tract on the east. Several single-family structures are across Cullen Avenue to the north. "O" Office zoning has been established across Hardy Drive to the east one block south on Justin Lane. The large tracts between Burnet Road and Hardy Drive will not likely be subdivided. The staff suggests that the subject tract is a logical point of termination for more intensive zoning. The two lots on the east are owned and used by a church and could be developed in the future as lots fronting onto Hardy Drive. The staff recommends the request as a buffer between commercial development along Burnet Road and single-family residential development along Hardy Drive. This zoning will require improvement to Cullen Avenue effecting 5 feet of the subject tract.

TESTIMONY

WRITTEN COMMENT

Cecil Lee Briggs: 3903 Cresthill Drive FOR
A. A. Jekel: 1917 Cullen Avenue FOR

PERSONS APPEARING AT HEARING

John Selman (representing applicant)
Cecil Lee Briggs: 3903 Cresthill Drive FOR

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, stated that this property is of no value as "A" Residential use. As "B" Residential it will serve as a buffer to the "A" Residential to the east on Hardy Drive and to the church on Justin Lane to the south.

No one appeared in opposition to this request.

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C14-70-158 Jack Thomison--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as logical zoning for this property, subject to five feet of right-of-way on Cullen Avenue.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Jack Thomison for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 2009 Cullen Avenue be GRANTED.

C14-70-159 S. I. Arnn: A, 1st to B, 2nd
1505 West 39 1/2 Street

STAFF REPORT: This request is on a tract containing 16,100 square feet to be used for apartment development. "A" Residential and "B" Residential, First and Second Heights and Areas predominate the area. "B" Residential, Second Height and Area is established across the alley to the east. A church tract abuts this site on the south and more "B" Residential exists to the west. The neighborhood is developed with single-family structures. The two cases which were granted in this area were granted against the Planning Commission's recommendations. The streets were inadequate, dead-end, and have no proper turnaround. This present case simply compounds the problem. However, due to the established zoning, the staff does not object to the request subject to five feet of right-of-way on West 39 1/2 Street and a short form subdivision.

TESTIMONY

WRITTEN COMMENT

Mr. & Mrs. Homer M. Mobley: 2318 Westrock Dr. AGAINST

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, stated that this tract is in the area of the Medical Park complex and this is definitely a good location for apartments due to its proximity to the downtown area, Shoal Creek and the Medical Park complex. The previous zoning has worked well and the precedent has been set.

No one appeared in opposition to the request.

C14-70-159 S. I. Arnn--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as a logical extension of existing zoning and as the proper use for the site, subject to 5 feet of right-of-way on West 39 1/2 Street and a short form subdivision.

The Commission concurred with the Committee recommendation and unanimously.

VOTED: To recommend that the request of S. I. Arnn for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 1505 West 39 1/2 Street be GRANTED.

C14-70-160 Joe R. Long: A, 1st to B, 2nd
400 West 34th Street

STAFF REPORT: This application is on a tract containing 7,200 square feet with proposed use the construction of a multi-unit apartment house. This area is within the 1967 Area Study recommending "BB" and "B" Residence where the streets are adequate. "B" Residence is established on several lots nearby. Single-family, duplexes and apartments are developed in the area. The staff recommends the denial of "B" Residential, Second Height and Area and the granting of "B" Residence, First Height and Area, as consistent with existing zoning on 34th Street.

TESTIMONY

WRITTEN COMMENT

Eberhard Proske: 401 West 35th Street FOR

PERSONS APPEARING AT HEARING

Joe R. Long (applicant)

SUMMARY OF TESTIMONY

The applicant appeared on behalf of this request. He stated that other lots in the area had received "B" Residential, Second Height and Area zoning and he does not understand why the staff has recommended "B" Residential, First Height and Area. He feels that the recommended zoning would not allow more intensive use than is presently in effect.

A nearby resident requested information on the planned development property particularly regarding parking facilities. Mr. Long stated that he plans to construct eight efficiency apartments. The staff explained that eight off-street parking spaces would be required in conformance with the Ordinance.

C14-70-160 Joe R. Long--contd.

Mr. Lillie of the staff explained that the recommendation was for "B" Residence, First Height and Area as this conforms with the zoning on this block, and that his development as planned would be allowed under "B" Residence, First Height and Area.

Mr. Taniguchi stated that on a small tract such as this, there is insufficient space for "B" Residence, Second Height and Area development.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, but recommended the granting of "B" Residence, First Height and Area, as being consistent with existing zoning along West 34th Street.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Joe R. Long for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 400 West 34th Street be DENIED, but recommended that "B" Residence, First Height and Area be GRANTED.

C14-70-161 Joe R. Long: A, 1st to B, 2nd
305-309 West 35th Street

STAFF REPORT: The subject application is on an area of 21,750 square feet. The proposed use is construction of a multi-unit apartment house. This site is also within the 1967 Area Study recommending "BB" and "B" Residence zoning. "A" and "B" Residence and single-family and apartment units exist in the surrounding neighborhood. A nurses' home is established to the northeast. The staff recommends the denial of "B" Residence, Second Height and Area and the granting of "B" Residence, First Height and Area as a logical extension of existing zoning, subject to five feet of right-of-way on West 35th Street.

TESTIMONY

WRITTEN COMMENT

Eberhard Proske: 401 West 35th Street FOR

Mr. & Mrs. Henry R. Schacht: 300 West 35th Street FOR

PERSONS APPEARING AT HEARING

Joe R. Long (applicant)

C14-70-161 Joe R. Long--contd.

SUMMARY OF TESTIMONY

Mr. Joe R. Long appeared on behalf of his request, and stated that he is willing to give the right-of-way requested. He requested that "B" Residence, Second Height and Area be granted, as this tract is large enough to support the higher density zoning.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Goodman inquired of the staff why this situation differs from the area to the north, where "B" Residential, Second Height and Area is recommended. Mr. Lillie explained that the streets in the immediate area under consideration have 50 feet of right-of-way, while the streets further north in the Hyde Park area range from 60 to 80 feet of right-of-way. Also, at this particular location 35th Street has a right angle turn to a very narrow street which further adds to the difficulty of access and circulation.

The Committee concluded that this request should be granted, as appropriate zoning for the site, subject to 5 feet of right-of-way on West 35th Street.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Joe R. Long for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 305-309 West 35th Street be GRANTED, subject to 5 feet of right-of-way on West 35th Street.

C14-70-162 Joe R. Long: A, 1st to B, 2nd
4307-4309 Avenue D

STAFF REPORT: This request is on an area of 7,200 square feet to be used for the construction of a multi-unit apartment house. "A" Residence and "B" Residence predominate the area. This is also within the 1967 Area Study with "BB" and "B" Residence as the recommended zoning. Single-family development predominates the area. The staff recommends to grant "B" Residence, Second Height and Area as Avenue D is adequate.

TESTIMONY

WRITTEN COMMENT

Mr. & Mrs. Lester L. Clark: 4308 Avenue D	AGAINST
Mrs. Cora H. Carothers: 4315 Avenue C	FOR
Robert L. Gage: 505 East 18th Street	FOR

530

C14-70-162 Joe R. Long--contd.

PERSONS APPEARING AT HEARING

Joe R. Long (applicant)
Mr. Crain

AGAINST

SUMMARY OF TESTIMONY

The applicant was present but had nothing to add to the report by the staff.

Mr. Crain, who lives across the street from the tract under consideration, stated that a parking problem exists on this street. Parking has been restricted on Speedway and the postal employees from the nearby branch office use this street for parking during the day. In addition there is a nursery school on the corner which creates traffic. Mr. Crain has talked to people who live near apartment houses who have stated that they are undesirable, and if not constructed well, can be a fire hazard to the neighborhood. He further stated that he represented several nearby residents, and the feeling was if the type of construction and parking provided would benefit the neighborhood, they were for this development, but if it would not benefit the area, they wanted to object to the request.

Mr. Reeves explained to those present the requirements under the Building Code and the requirement for adequate parking space for this type of development.

Mrs. Park, a nearby resident, stated that with the present parking problem it is very difficult to meet another automobile and pass in this block. She feels that the proposed development will increase the problem.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as appropriate zoning for the site, and is consistent with the 1967 study of the area.

The Commission discussed the request and then

- VOTED: To recommend that the request of Joe R. Long for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4307-4309 Avenue D be GRANTED.
- AYE: Messrs. Kisner, Reeves, Anderson, Crier, Milstead, Chamberlain, Becker and Goodman
- NAY: Mr. Taniguchi
- ABSENT: None

C14-70-163 Joe R. Long: A, 1st to B, 2nd
4008-4010 Medical Parkway

STAFF REPORT: This request is on a site containing .6 acre of land to be used for construction of a multi-unit apartment house. "A" & "B" Residence, "O" Office, "LR"

C14-70-163 Joe R. Long--contd.

Local Retail and "C" Commercial zoning exist throughout this area along Medical Parkway. Offices and some commercial uses exist along Medical Parkway. Single-family residences are developed both to the east and west in older subdivisions. "B" Residence zoning was granted within the past year on an adjacent tract to the south. This is a logical extension of existing zoning. The staff recommends the request, subject to five feet of right-of-way and five feet of sidewalk and utility easement.

TESTIMONY

WRITTEN COMMENT

Sterling Sasser	FOR
Esther P. Dugger: 3742 Lincoln Corpus Christi	AGAINST
Paul Hamner: 4314 Rosedale	FOR

PERSONS APPEARING AT HEARING

Joe R. Long (applicant)

SUMMARY OF TESTIMONY

The applicant was present on behalf of his request but had nothing to add to the report by the staff.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as a logical extension of existing zoning, subject to five feet of right-of-way and five feet of sidewalk and utility easement on Medical Parkway.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Joe R. Long for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4008-4010 Medical Parkway be GRANTED, subject to five feet of right-of-way and five feet of sidewalk and utility easement on Medical Parkway.

C14-70-164 Patrick L. McManus: A to B
207-303 West Live Oak
2207-2211 Wilson Street

STAFF REPORT: This request for change of zoning is on an area of 1.56 acres, with proposed use for a 45-unit apartment project. This area, and particularly this block, is zoned and developed under "A" Residence zoning. "B" Residence is established on the large tract to the west across Wilson and a block to the north and south. "C" Commercial exists along South Congress to the east. The

C14-70-164 Patrick L. McManus--contd.

staff recommends that the apartment zoning be restricted to frontage on Wilson Street. It is recommended the north 123 feet of Tract 3 or the portion fronting onto Live Oak, remain "A" Residential and the remainder of Tract 3 and all of Tract 1 become "B" Residential. Four units (two duplexes) could be built on the two new lots fronting West Live Oak. This will limit generated traffic to Wilson Street only, and not on Live Oak Street. There is one other proposed apartment development that affects Wilson Street and none that affect Live Oak Street. The interior of this neighborhood is still predominantly "A" Residential. If the entire application is granted five feet of right-of-way will be needed on Live Oak Street.

Mr. Reeves stated that from a traffic view point, he felt that it would be more desirable to have ingress and egress on Live Oak Street to Congress Avenue, rather than on Wilson Street to Oltorf Street.

Mr. Lillie explained that the only existing and proposed apartments are two large tracts north of Crockett Street and west of Wilson Street. It is felt that the apartment traffic should be encouraged to use one street rather than several interior streets. The interior of this neighborhood needs protection. The apartment development itself should be limited in size. The Committee should also consider the size and shape of the tracts and their potential for low density development.

TESTIMONY

WRITTEN COMMENT

Dr. & Mrs. R. L. Dalafield: 206 Fletcher	AGAINST
Mr. & Mrs. R. V. Durden: 2305 Forest Avenue	AGAINST
Mrs. William Howard Pannell: 210 Fletcher	AGAINST
W. B. Lacy: 214 Feltcher	AGAINST
W. C. Gk	AGAINST
T. C. Boyd: 1013 Milan Place	AGAINST
Ted R. Myatt: 216 Fletcher	AGAINST
T. D. McKenzie	AGAINST
Mr. & Mrs. Mary E. Combs: 2206 Euclid Avenue	AGAINST
Mrs. Gladys M. Gardner: 2110 Eva	AGAINST

PERSONS APPEARING AT HEARING

Mr. & Mrs. W. C. Tillman: 2108 Newton	AGAINST
Mr. & Mrs. George W. Taylor: 2102 Newton Street	AGAINST
Mr. & Mrs. Edward M. Tomson: 2209 Euclid	AGAINST
Mr. & Mrs. Youree H. Young: 2205 Euclid	AGAINST
Mr. & Mrs. F. C. O'Dell: 2204 Euclid	AGAINST
Mr. & Mrs. A. E. Lozano: 2111 Wilson	AGAINST
Mr. & Mrs. D. B. Oliphant: 2103 Newton	AGAINST
Mr. & Mrs. William S. Moore: 2202 Euclid Avenue	AGAINST
L. W. Moreland: 2107 Newton	AGAINST
Mrs. H. R. Bell: 2106 Newton	AGAINST

C14-70-164 Patrick L. McManus--contd.

Mrs. Theo Price: 2109 Eva	AGAINST
C. D. Sullivan: 2208 Euclid	AGAINST
Archie Bailey: 303 West Live Oak	AGAINST
Mrs. Frank Hlbrecht: 2214 Euclid	AGAINST
Mr. & Mrs. C. M. Pittsford: 2207 Euclid	AGAINST
Mrs. Gladys Gardner: 2110 Eva	AGAINST
Felipe LaTorre: 3506 West Avenue	AGAINST

SUMMARY OF TESTIMONY

No one appeared in favor of this request.

Mr. Fredrick C. O'Dell, 2204 Euclid, stated that he had lived at this address for 35 years and that the majority of the property owners in the area have lived there for twenty years. There are only two rental properties in the area. The residents of the neighborhood are strongly opposed to construction of apartment housing, as they feel the area is overloaded with this type of housing, including the Crockett complex, and a 176-unit development on Wilson Street presently under construction. It is felt that any further construction will cause too much congestion on this tract of land.

Mr. Taylor, 2102 Newton, advised the Committee that the residents had not opposed the construction of the apartments on Crockett Street, as parking was being provided on the site. During the school year, the apartments are crowded and the homeowners in the area cannot get in and out of their own driveways. The street parking also presents a fire hazard in that the fire plug is blocked off.

Mr. Edward M. Thomson, 2209 Euclid, appeared in opposition to this request, stating that he would like for the neighborhood to retain the atmosphere of single-family dwellings.

Mr. D. B. Oliphant, 2103 Newton, stated that the area was very over-crowded, and that on-street parking creates a traffic hazard for the residents of the neighborhood. Mary Lee School is being built on Wilson Street and more apartments are being constructed on Oltorf Street, both of which will add to the congestion.

Twenty residents of the area were present to make known their opposition, and were recognized by the Committee.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, but recommended the granting of "BB" Residence, First Height and Area as appropriate zoning for these tracts, subject to five feet of right-of-way on West Live Oak Street.

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C14-70-164 Patrick L. McManus--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Patrick L. McManus for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 207-303 West Live Oak and 2207-2211 Wilson Street be DENIED, but recommend that "BB" Residence, First Height and Area be GRANTED, subject to five feet of right-of-way on West Live Oak Street.

C14-70-165 George Olson: A to B
3408 West Avenue

STAFF REPORT: This request is for a change of zoning on an area containing 7,905 square feet. The proposed use is an 8 unit apartment project. "A" and "BB" Residence, "O" Office, "LR" local Retail, "GR" General Retail and "C" Commercial zoning uses are established within this neighborhood mostly oriented to West 34th Street. Single-family, duplex and office uses exist. The staff recommends the request as a logical extension of existing zoning.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Tom Curtis (applicant)
Deloris Satori: 3506 West Avenue AGAINST

SUMMARY OF TESTIMONY

Mr. Tom Curtis, representing the applicant, had nothing to add to the staff's report.

Deloris Satori, 3506 West Avenue, stated that the doctors' offices in the immediate area created considerable traffic and on-street parking. This area is predominantly single-family dwellings and is well-maintained. The residents object to the construction of an 8-unit apartment on this site, as it will be the first intrusion into this neighborhood and will increase traffic congestion.

Mr. Curtis stated that off-street parking will be provided, and that this will be a small development of 8 attached duplexes which should not contribute greatly to the traffic congestion.

C14-70-166 George Olson--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and agreed that the residents of this area should band together if they desired high-density development rather than piecemeal development; however, it is felt that this is no longer a single-family residential area and a majority concluded that this request should be granted, as a logical extension of the existing zoning.

The Commission considered this request and

VOTED: To recommend that the request of George Olson for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 3408 West Avenue be GRANTED.

AYE: Messrs. Kinser, Reeves, Anderson, Crier, Milstead and Goodman

NAY: Messrs. Taniguchi and Chamberlain

ABSENT: None

ABSTAINED: Mr. Becker

C14-70-166 George Olson: BB, 1st to B, 2nd
618-620 West 31 1/2 Street

STAFF REPORT: The proposed use for this tract containing 6,942 square feet is an apartment development consisting of nine units. "BB" and "B" Residence zoning is established. Commercial zoning and uses align Guadalupe. West 31 1/2 Street is a 50 foot street. There is a pending case for "O" Office, Second Height and Area due west across King Street and several sites of "B" Residence, First Height and Area nearby. The staff recommends the request as a logical extension of existing zoning subject to five feet of right-of-way on West 31 1/2 Street.

TESTIMONY

WRITTEN COMMENT

Joseph H. Sharpley: 614 West 32nd Street FOR

PERSONS APPEARING AT HEARING

Mr. & Mrs. Herbert I. Cunningham: 613 West 31 1/2 AGAINST
Harvey Youngblood: 615 West 31 1/2 Street AGAINST
Mrs. Evelyn Vinson: 610 West 31 1/2 Street AGAINST
Tom Curtis (representing applicant)

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Tom Curtis represented the applicant and stated that the right-of-way requirement was acceptable to his client.

C14-70-166 George Olson--contd.

Arguments Presented AGAINST:

Mr. Herbert Cunningham, 613 West 31 1/2 Street, stated that he has lived in this neighborhood for thirty years, and that it is a good neighborhood. He feels that if this request is granted it will bring a flood of apartment development into the area. A duplex exists on this site at the present time which has a two car garage. The tenants do not use this garage as it is difficult to get to through a narrow alley, which causes on-street parking. Mr. Cunningham further stated that he feels it is unfair to the residents to allow this type of development in this residential neighborhood, which is convenient to shopping and bus lines, as they could not buy comparable homes in other parts of the City.

Evelyn Vinson, who lives next door to the tract under consideration appeared to express opposition to the zoning. She has lived at this location for 26 years. At the present time traffic is a problem, with cars blocking her driveway. She feels that the lot is not large enough for both apartments and parking space.

Mr. Taniguchi explained that the size of the lot limits the number of units, and that the developer is required to provide adequate parking area on the lot.

Mr. Harvey Youngblood represented Mrs. S. W. Kately of 613 West 31 1/2 Street, which is directly across the street from the tract under consideration. She objects to this change as she just recently spent \$3,000 remodeling her home and she feels that this is one of the few remaining areas of calm in the University area as far as the traffic situation. Mr. Youngblood pointed out that a 10-unit efficiency development has recently been constructed just behind this site, which had created such a severe on-street parking problem that only one car at a time can use the street. He presented photographs showing the traffic congestion on that street.

Arguments Presented IN REBUTTAL:

Mr. Curtis stated the traffic congestion in the area is primarily due to the proximity of Guadalupe Street, and will continue to be a problem. He does not feel that the planned development of nine units, with the off-street parking to be provided, will greatly increase the traffic. The area is in a state of change to higher density use.

Mr. Lillie advised the Committee that in 1960, an area study was made of this area bounded by Lamar Boulevard and Guadalupe Street from 29th Street to 34th Street. The recommendation was for a change of zoning to "BB" Residence, which was done in 1961. Apartments have been allowed in this area for about ten years, but only two large complexes have been constructed. In action taken earlier this year, the Council approved two requests for "B" Residence zoning. At that time the Commission and the Council both felt that because of this location's relationship to the University, that "BB" Residence no longer answered the need for housing near the University.

C14-70-166 George Olson--contd.

Mr. Taniguchi stated that ideally this area would be developed very intensively, with the landowners combining the lots. The piecemeal development on small lots is not good when it is known that more intensive use will be called for in the future. Mr. Lillie stated that the inadequacy of the streets was a factor in the decision to grant "BB" Residential zoning rather than "B" Residence in 1961. Normally when rezoning is granted for apartment development, 60 feet of right-of-way is required. In this area with double frontage lots on 31st and 31 1/2 Streets, this requirement would burden adjacent property. As a result, the narrow streets get more over crowded as higher intensity of zoning is granted.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and felt that although this is piecemeal development where more intensive development is needed, a majority concluded that for the highest and best use of this property this request should be granted, as consistent with recent zoning decisions in the area, subject to 5 feet of right-of-way on West 31 1/2 Street.

The Commission discussed this request and Mr. Kinser stated that an extensive study had been made of this area, and "BB" Residence, First Height and Area zoning had been recommended.

The Commission then

VOTED: To recommend that the request of George Olson for a change of zoning from "BB" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 618-620 West 31 1/2 Street be GRANTED, subject to five feet of right-of-way on West 31 1/2 Street.

AYE: Messrs. Kinser, Reeves, Anderson, Crier, Milstead, Becker and Goodman

NAY: Messrs. Taniguchi and Chamberlain

ABSENT: None

C14-70-167 Raymond C. Littlefield: A, 1st to O, 2nd
2806-2900 Cole Street

STAFF REPORT: This request is on a tract containing 18,630 square feet to be used for apartment development. "A", "BB", "B" Residence and "O" Office, First and Second Heights and Areas are established on surrounding property. A motel, cafe and office are located across Cole Street. A 20 unit apartment project is built on the site next door on the south. The proposed 26th Street interchange will affect Cole Street as presently located. Cole Street is to be terminated in a cul-de-sac just south of the subject tract. The staff recommends the request as a logical extension of existing zoning.

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CP14-70-167 Raymond C. Littlefield--contd.

TESTIMONY

WRITTEN COMMENTS

P. R. P. Bldg. Corporation: 8 Medical Arts Square FOR
John V. Felter: 3008 West Avenue FOR

PERSONS APPEARING AT HEARING

Raymond C. Littlefield (applicant)

SUMMARY OF TESTIMONY

Mr. Littlefield, the applicant, stated that he wishes to construct a 24-unit apartment complex on this property, which is surrounded by "O" Office and "C" Commercial zoning.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as logical extension of existing zoning in the area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Raymond C. Littlefield for a change of zoning from "A" Residence, First Height and Area to "O" Office, Second Height and Area for property located at 2806-2900 Cole Street be GRANTED.

SPECIAL PERMITS

CP14-70-026 Greg Gannaway: 104 Unit Apartment Dwelling Group
Rear of 2701-2801 Rae Dell Avenue

STAFF REPORT: This application has been filed as required under Section 5 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. This is a area of 5.7 acres for development of a 104-unit apartment project. The site plan has been circulated to the various City Departments and the comments are as follows:

- 1. Health Department - No objections. Waste water system to be available.
- 2. Public Works - No objection to entrances as shown.
- 3. Fire Prevention - Install required fire extinguishers as buildings are completed.

CP14-70-026 Greg Gannaway: 104 Unit Apartment Dwelling Group--contd.

- 4. Storm Sewer
 - Fiscal arrangements required; require drainage easement covering pipe connecting two existing pipes; no size are indicated on plat (pipe size); use sizes as shown in red; we will need construction plans on storm sewer; is Dickson Drive going to be paved with this project? If so, we will need plans on it.

- 5. Electric Department
 - Additional electric easements required at a later date.

- 6. Traffic Engineer
 - O.K.

- 7. Tax Assessor
 - 4-0109-0168 Taxes are paid through 1969.

- 8. Fire Protection
 - The recommended fire hydrants are indicated in red on attached map. We suggest that if possible, these hydrants be installed before construction is started, so that we may provide faster and better fire protection. The four inch opening on the hydrant should face the driveway and the center of this opening should be approximately 18 inches from the center to the finished grade.

- 9. Advanced Planning
 - (1) Major discrepancies exist between the submitted plat and the field notes description of the property.
 - (2) a. Dickson Street cul-de-sac is mis-located.
 - b. Dedicated Dickson Street ROW is not shown at all--if shown it would require shifting of parking area to remove it from within the ROW.
 - c. Paving of cul-de-sac turn-around of Dickson Street is shown as 40 foot radius. Paving is to be 50 foot radius.
 - (3) a. Subdivision required as condition of zoning to terminate the Westhill Drive cul-de-sac properly with a 60 foot radius R.O.W., 50 foot radius paving, and a 25 foot building set-

CP14-70-026 Greg Gannaway: 104 Unit Apartment Dwelling Group--contd.

9. Advanced Planning--contd.

- back line. Two possibly three buildings will have to be shifted to remove them from within the ROW (12-15 parking spaces will also be affected).
- b. When the subdivision which dedicates Westhill Drive is submitted, it should also include that additional area acquired for this site to enable it to have access to Dickson Drive.
- (4) Dimensions of property and location dimensions for the improvements on the site are omitted from the plan.
- (5) Areas label "Fin. Fl." are not suitably identified as to what they are.
- (6) Laundry building in southwest corner (red X) scales only 3" from property line--5 foot side yard required.
- (7) Some "catch basins" are not tied to storm sewer lines indicated on plat.

10. Building Inspector

- (1) Shortform is required.
- (2) It is not clear if cul-de-sac at northeast corner of property will be a dedicated public street.
- (3) Laundry building at southwest corner of property is too close to property line. Min. 5 feet setback is required.
- (4) Four foot high solid fence required where parking area is adjacent to property developed for a residential use.
- (5) Does not include building code approval.
- (6) Site plan does not indicate bedroom breakdown for apartments. All computations are based on figures received from Planning Department (36-1 bedroom units and 68-2 bedroom units: total 104 units).

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CP14-70-026 Greg Gannaway: 104 Unit Apartment Dwelling Group--contd.

- 11. Office Engineer - O.K.
- 12. Water and Sewer - Sanitary sewer service is available from the existing main in an easement across the western portion of the property. With the present apartment layout as shown, it will be required to reroute the existing 8-inch sanitary sewer main as shown on the plat, and a new easement obtained. Water service is available from the existing main in Westhill Drive. Four additional fire hydrants will be required as shown on the plat. A 6-inch water main with valves will be required to be constructed through the apartment project as shown on the plat. Fire demand meters may be required if the system is to be a combined fire and domestic system.

Single-family structures in "A" Residence zoning exist in all directions. "B" Residence zoning extends across the subject tract and to the north to Barton Skyway. "GR" General Retail zoning exists to the east to South Lamar Boulevard. There are several technical problems with this site plan. The two cul-de-sacs on the site must be dedicated and developed. Dickson Drive is not provided for in the plan, and a subdivision will be required. The applicant has requested that the application be postponed for 30 days.

TESTIMONY

WRITTEN COMMENTS

None

PERSONS APPEARING AT HEARING

Mrs. Charles Horner: 2703 Rae Dell	AGAINST
Mr. & Mrs. G. D. Cole: 2709 Rae Dell	AGAINST
Roger Drake: 2605 Rae Dell	AGAINST

SUMMARY OF TESTIMONY

The applicant was not present on behalf of his request.

Mrs. Charles Horner, 2703 Rae Dell Avenue, which abuts the site under consideration stated that a draw or gully exists on the property and has created flooding problems along Rae Dell during wet weather. It is felt that the proposed development will add greatly to this drainage problem. In addition, La Casa Drive is a very narrow street and existing traffic presents a hazard.

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CP14-70-026 Greg Gannaway: 104 Unit Apartment Dwelling Group--contd.

Mrs. Horner feels that South Lamar Boulevard is not adequate to handle the proposed increase of vehicular traffic. She feels that this is primarily a single-family neighborhood and the residents deserve protection from this intensive development.

Mr. G. D. Cole, 2709 Rae Dell Avenue, stated that he had lived in this area for 15 years. He has seen water in the yards and homes on Rae Dell Avenue and he feels that the development of the site could cause as much as four feet of water in the homes due to the loss of ground absorption; this is a severe problem and should be solved before more development is allowed.

Mrs. G. D. Cole stated that water stands on a portion of this site much of the time, and that there are many springs in the area.

Mr. Roger Drake, 2605 Rae Dell Avenue, wished to voice the same objections as his neighbors, and discussed the fact that dynamite was used for development in the area in 1967, and voiced concern if dynamite is to be used again as property damage was caused.

***COMMENTS AND ACTION BY THE COMMITTEE:**

The Committee explained to those present that this area is already zoned for apartments, and this Special Permit is all that is being considered at this time. The applicant could construct one large apartment building without a special permit, the applicant, however, desires to construct several separate apartment buildings. A special permit is required. There was discussion of the responsibilities of the Planning Commission and its relationship to the City Council. The issues considered in granting a Special Permit were reviewed. The Committee explained the right of appeal if the decision is felt to be unfair and that if the neighborhood does not agree with the City Engineer's findings on the drainage requirements, they have a right to have a private engineer survey the site and report his findings to the Committee. The Committee requested that the staff send a copy of all departmental reports to a representative of the neighborhood, in order that they may review these findings prior to the postponed hearing date.

The Committee reviewed the information and concluded that this request should be postponed for 30 days.

At the Commission Meeting, Mr. Lillie of the staff explained that this application had a number of technical problems, which need to be worked out by the applicant and the staff. In addition, several property owners appeared at the Committee meeting to voice their concern on the existing drainage problems on Rae Dell Avenue, and the handling of drainage for the proposed development. Mr. Graves of the Public Works Department has been requested to submit a report on the site and the drainage.

The Committee then unanimously

VOTED: To POSTPONE the request of Greg Gannaway for a 104 Unit Apartment

CP14-70-026 Greg Gannaway: 104 Unit Apartment Dwelling Group--contd.

Dwelling Group on property located at the rear of 2701-2801 Rae Dell for 30 days.

CP14-70-027 Walter N. Matthews for First Baptist Church: Day Care Center
901-919 Trinity Street
400-408 East 9th Street
900-918 Neches Street
401-421 East 10th Street

STAFF REPORT: This request is on an area of 1.75 acres, with proposed use a day care center. The application has been filed as required under Section 4 and according to the procedures as specified in Section 10-B, Sub-section 3 of the Zoning Ordinance of the City of Austin, Texas. The site plan has been circulated to the various City Departments and the comments are as follows:

- 1. Public Works - No objections
- 2. Health Department - No objections. Waste water system to be available.
- 3. Fire Protection - Existing fire protection facilities are believed to be adequate.
- 4. Fire Prevention - None
- 5. Storm Sewer - Plat complies
- 6. Traffic Engineer - O.K.
- 7. Electric - Electric Department O.K.
- 8. Tax Assessor - 2-0604-1201 This property is tax exempt at the present time.
- 9. Building Inspector - (1) The lot area provided is more than adequate for the keeping of 148 children.
(2) Building Code approval.
- 10.. Advanced Planning - (1) Lot area permits 240 children. 150-200 children is maximum projected capability.
(2) All outdoor play areas are to be fenced. All driveway and sidewalk areas are to be excluded from fenced play areas.
(3) Loading and unloading of children should be primarily from the loop driveway on the west side.

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CP14-70-027 Walter N. Matthews for First Baptist Church--contd.

- 11. Office Engineer - O.K.
- 12. Water and Sewer - Water and sanitary sewer are available from the existing mains in the adjacent street. No additional fire protection will be required.

The application is on an area between East 9th and East 10th Streets, just east of the new Post Office Building between Neches and Trinity Streets. Apartment and Commercial zoning and office and commercial uses exist on all surrounding property.

TESTIMONY

WRITTEN COMMENTS

Don Searles (representing applicant)
Mr. & Mrs. Berry English: 11707 Hornsby FOR

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

No one appeared in favor or in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to departmental requirements.

At the Commission meeting, Mr. Kinser stated that this type of facility is needed in the City, and that this is a central location and ideal for this type of operation. The Commission then

VOTED: To APPROVE the request of the First Baptist Church for a special permit for a day care center on property located at 401-421 East 10th Street, 901-919 Trinity Street, 400-408 East 9th Street and 900-918 Neches Street with the maximum number of children allowed under the Ordinance, subject to departmental requirements, and authorized the Chairman to sign the necessary resolution upon completion.

AYE: Messrs. Kinser, Reeves, Anderson, Crier, Milstead, Chamberlain, Taniguchi and Becker

NAY: None

ABSENT: None

ABSTAINED: Mr. Goodman

The Chairman announced that any interested party aggrieved by this decision may appeal it to the City Council for a review of the decision upon giving written notice to the City Council within 10 days following the decision of the Planning Commission.

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CP14-70-028 Aaron Lee Gill: Expansion of Day Care Center
1710-1712 Richcreek Road

STAFF REPORT: This application for a day care center for 29 children has been filed as required under Section 4 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. A day care center with 34-children exists on the property and is presently a non-conforming use. A Board of Adjustment application has been filed to permit an increase to 50 children. The comments below are based upon both the permitted 29 children and on the proposed increase to 50 children. The site plan has been circulated to the various City Departments and the comments are as follows:

- 1. Fire Protection - Existing fire protection facilities are believed to be adequate.
- 2. Health Department - No objections. Waste water system to be available.
- 3. Public Works - No objection
- 4. Fire Prevention - None
- 5. Storm Sewer - Plat complies
- 6. Traffic Engineer - O.K.
- 7. Electric - Electric Department O.K.
- 8. Tax Assessor - 2-3606-1205 Taxes are paid through 1969.
- 9. Advanced Planning - (1) Lot area permits maximum of 29 children. Request is for 50 children.
(2) With only a double driveway for off-street loading and unloading of children, there may be a problem of congestion on Richcreek Road if 50 children are permitted. Richcreek Road is a 50 foot residential street but is the only street with a direct connection across Burnet Road between Anderson Lane and Justin Lane. This situation probably creates a somewhat heavier traffic flow than the surrounding residential streets.
(3) Fencing along north, east, and west property lines should be of the privacy type where adjacent to the play area.
(4) Fifty (50) children could create a noise problem for adjacent properties in this well-established single-

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CP14-70-028 Aaron Lee Gill: Expansion of Day Care Center--contd.

- 9. Advanced Planning--contd. - family area.
- 10. Building Inspector - (1) This day care center and kindergarten is a non-conforming use. The Building Inspection Office issued a certificate of occupancy for 34 children here, on August 10, 1966, under prior ordinance requirements. (A Board of Adjustment variance for 50 children is now pending. Date of hearing is September 14, 1970.)
 (2) Under the present ordinance requirements, 29 children could be kept with the approval of the special permit.
 (3) It appears that loading and unloading of children would have to be from the street right-of-way.
 (4) Does not include Building Code approval
 (5) The Zoning Ordinance does not set forth a specific parking ratio requirement for this type of use. It is suggested that one (1) off-street parking space be provided for each employee
- 11. Office Engineer - Driveways O.K.
- 12. Water and Sewer - Water and sanitary sewer service are available from the existing mains in the adjacent street. No additional fire protection will be required.

This property is located in north Austin, west of Woodrow Avenue. This entire area is "A" Residential with single-family residences. A church is located to the east at Aggie Lane and Woodrow Avenue, and another day care center is located on Madison Avenue to the south. The staff objects to the proposed expansion as the lot area is not sufficient for 50 children. With only a double driveway for the loading and unloading of children, there may be some traffic congestion on Richcreek Road. This street has only 50 feet of right-of-way and 30 feet of paving. It is the only street with direct connection across Burnet Road between Anderson Lane and Justin Lane. The staff feels that 50 children would also create a noise problem in this well-established single-family neighborhood.

TESTIMONY

WRITTEN COMMENTS

None

CP14-70-028 Aaron Lee Gill: Expansion of Day Care Center--contd.

PERSONS APPEARING AT HEARING

Aaron Lee Gill (applicant)	
Donald Feagle (Mrs.)	FOR
Betty Slade: 1801 Richcreek	FOR
Bruce Cole:	FOR
Jim Barr: 1706 Richcreek Road	AGAINST
Mr. Stradinsky: 1700 Richcreek	AGAINST
Mr. Jim Ollie: 1702 Richcreek Road	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant, Mr. Gill, presented a letter in favor of his request from one of the neighbors, and stated that several of the neighbors approved. However, he felt there was some opposition to this expansion and if the request was not approved, plans to move from this location and use the property for a rental duplex, which he feels will be detrimental to the neighborhood. He further stated that the present hours were 7:00 a.m. to 5:30p.m., but could be changed to 7:00 a.m. to 12:00 p.m.

Mrs. Donald Feagle, whose property abuts the applicants, spoke in favor of this request. She stated that she was proud to know Mr. and Mrs. Gill, and that the parents of the children were very lucky to have them running this nursery. It is a well-maintained and well-equipped facility. Mrs. Feagle watches the children play, and they are not noisy, but very well-behaved.

Betty Slade, 1801 Richcreek, stated that she had known the Gills for a number of years and feels they are fine people who are very interested in providing good care for the children. She leaves for work at 7:30 a.m. and does not find the traffic a problem. She explained that the applicant had added on a room to his home at great expense on the basis of information given to him by a State Welfare worker, only to find that there is a conflict between the state and local rules governing day care centers. She feels that this application deserves special consideration under these circumstances.

Mr. Bruce Cole, who lives directly across the street, stated that there is no traffic congestion, as the traffic is staggered both in the mornings and afternoons. He sometimes sleeps during the day, and has no difficulty in doing so. He has seen the addition which the applicant had constructed, which reflects a considerable expense for the applicant. He feel that the applicant is very deserving of the expansion of this day nursery.

Arguments Presented AGAINST:

Mr. Jim Barr, 1706 Richcreek Road, expressed his opposition to this request. He does not object to the present size of the day school, but feels that the additional noise and traffic inherent in the expansion will be impermissible in a residential neighborhood and will cause the eventual deterioration of

CP14-70-028 Aaron Lee Gill: Expansion of Day Care Center--contd.

the area.

Mr. Stradinsky, 1700 Richcreek Road, stated he opposed the expansion because of the traffic congestion and also feels that property values will be affected adversely. He feels that the investment of all the property owners in the area should be considered.

Mr. Jim Ollie, 1702 Richcreek Road, stated that at the present time, at certain periods of the day it is impossible to use his driveway; more traffic should not be permitted. Mrs. Stradinsky and Mrs. Ollie also wished to express their opposition to the expansion.

Agruments Presented IN REBUTTAL:

Mrs. Gill explained that the State Health officer had suggested this expansion and it was not until the addition had been constructed that the State Health officer advised of the conflict with the City Ordinance.

Mr. Gill stated that regarding a noise problem, the children are outside playing in the summer months only 1½ hours in the morning, 30 minutes at lunch and 1½ hours in the afternoon. He stated that the next door neighbors had no complaint about the noise.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and discussed this request. Mr. Reeves stated he would prefer to know the decision of the Board of Adjustment on this request before making a decision. Mr. Goodman stated that he felt that the applicants are good people and run a fine day school, but the lot could not sustain the requested extra 16 children. Mr. Taniguchi stated that the primary reason for the allowance of a day care center in a residential neighborhood is for service to the immediate area, but if enrollment grows beyond a certain point it becomes a commercial enterprise. A majority concluded that this request should be denied as an intrusion into a residential neighborhood.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To DISAPPROVE the request of Aaron Gill for Special Permit
for a day care center on property located at 1710-1712
Richcreek Road.

The Chairman announced that any interested party aggrieved by this decision may appeal to the City Council for a review of the decision upon giving written notice to the City Council within 10 days following the decision of the Planning Commission.

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CP14-70-029 A. S. Duncan and Robert L. Smithers
3700-2710 Manchaca Road

STAFF REPORT: This is a request to construct an apartment dwelling group on an area of 1.5 acres. The application has been filed as required under Section 5 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. The site plan has been circulated to the various City Departments and the comments as follows:

- 1. Storm Sewer - Plat complies; drainage O.K.
- 2. Health - No objections. Waste water system to be available.
- 3. Tax Assessor - 4-0411-0148 Taxes are paid through 1969.
- 4. Advanced Planning - (1) Parking spaces are misnumbered. There are 74 by count--not 76. Only 72 are required. Also, the trees indicated on the plat (attached) will either have to be removed or some parking spaces eliminated or redesigned.
(2) Privacy screening needed along north, south and west property lines.
(3) Information concerning Units A, B & C is provided, but none about Units D, E or F.
- 5. Fire Protection - We believe that the existing fire hydrant will furnish adequate water for fire protection.
- 6. Building Inspector - (1) Dimensions on applicant's site plan do not match those for Lot 1, Brookwood Park Subdivision plat (possible shortform required).
(2) A 4 foot high solid fence is required, where parking area is adjacent to property developed for residential use.
(3) Does not include Building Code approval.
(4) Accessory Building (designated on site plan as Recreation Room and Pool Equipment) does not setback the required 90 feet from front property line. (setbacks 84' by scale)
(5) This office can see no need for a special permit since all buildings are connected by covered walkways or

CP14-70-029 A. S. Duncan and Robert L. Smithers--contd.

- 6. Building Inspector--contd. - or roof ties.
- 7. Traffic Engineer - O.K.
- 8. Electric - Additional easements required at a later date.
- 9. Water and Sewer - Water and sanitary sewer service are available from the existing mains in the adjacent streets. No additional fire protection will be required.
- 10. Public Works - Driveway locations meet with our approval. Recommend minimum radius of 5 feet on curb returns. Will need request for and approval of driveways before construction begins.
- 11. Fire Prevention - Install required fire extinguishers as buildings are completed.
- 12. Office Engineer -

"A" Residential and "O" Office zoning exist across Manchaca Road and "A" Residential, "O" Office, "LR" Local Retail and "GR" General Retail are established between Manchaca Road and Lamar Boulevard. Single-family and duplex structures align Manchaca Road. An amended plan has been submitted due to problems on the original plan with parking and the placement of buildings. The primary concern of the applicant has been to save the many liveoak trees on the site. The amended plan is recommended by the staff, subject to departmental reports.

TESTIMONY

WRITTEN COMMENTS

None

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

The applicant, Mr. Duncan, stated that the primary reason for this request for a special permit is to be able to incorporate the beautiful old live oak trees now existing on the site. Much thought and planning have gone into the development of this tract, and it is felt that it will be an asset to the area.

No one appeared in opposition to this request.

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CP14-70-029 A. S. Duncan and Robert L. Smithers--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as amended, and subject to departmental requirements.

Mr. Lillie of the staff explained to the Commission that the amended site plan had been received and no problems are foreseen in the processing of this request. The recommendation is to grant subject to departmental reports.

The Commission unanimously

VOTED: To APPROVE the request of A. S. Duncan and Robert L. Smithers for a special permit for a 48 Unit Apartment Dwelling Group on property located at 3700-3710 Manchaca Road, subject to compliance with departmental reports, and authorized the Chairman to sign the necessary resolution upon completion.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported the action taken on the subdivisions at the meeting of August 24, 1970 and requested that this action be spread on the minutes of this meeting of the Planning Commission.

Staff reporting that no appeals have been filed from the decisions of the Subdivision Committee and that no subdivisions were referred to the Commission.

SUBDIVISION PLATS - FILED AND CONSIDERED

C8-69-91 Windsor Hills
Cameron Road and Rundberg Lane

The staff reported that this is a request to withdraw a portion of the preliminary plan in order that a short form may be submitted on the portion withdrawn, which will appear later on this agenda. The staff recommends approval of this withdrawal.

The Commission then:

VOTED: To APPROVE the withdrawal of a portion of the preliminary plan of Windsor Hills..

The staff reported that this is the first appearance before the Commission of the following final plats. They lack departmental requirements, and it is recommended that they be accepted for filing and disapproved, pending the specific conditions as listed.

SUBDIVISION PLATS - FILED AND CONSIDERED--contd.

The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the following final plats:

C8-70-74 Lakeview Hills, Section 1
Sleepy Hollow and Lakeview Drive

This is pending revision of plat to provide a minimum lot area of 9,000 square feet, a no-occupancy restriction on plat pertaining to Health Department approval of water supply and septic tanks, and compliance with departmental requirements.

C8-69-65 Parker Heights, Section 1 - Revised
Metcalf Road and Burleson Road

This is pending compliance with departmental requirements.

C8-70-77 Mesa Park, Section 1
Hoover Road and Thunder Creek Road

This is pending compliance with departmental requirements.

C8-70-64 Wood Shadows, Section 1-A
Steck Avenue

This is pending compliance with departmental requirements, fiscal arrangements, dedication of Steck Avenue to existing Balcones Drive and fiscal letter for sidewalks.

✓ C8-70-52 Quail Creek West, Phase 2, Section 3
Rutland Drive and Parkfield Street

This is pending submission of current tax certificates.

✓ C8-70-49 Buckingham Estates
South 1st Street and William Cannon Drive

This is pending compliance with departmental requirements and submission of current tax certificates.

✓ C8-70-55 Walnut Place, Section 4
Springdale Road and Vara Lane

This is pending compliance with departmental requirements, additional easements, and designation of greenbelt on plat along Walnut Creek to comply with Austin Development Plan

The staff reported that the following final plats have met all requirements and have been given approval under the Commission's amended rules and regulations.

SUBDIVISION PLATS - FILED AND CONSIDERED--contd.

The Commission then

VOTED: To ACCEPT the staff report and record in the minutes of this meeting the approval of the following final plats:

- ✓ C8-69-113 Burton Terrace, Section 1
Burton Drive and Woodland Avenue
- ✓ C8-70-67 Burton Terrace, Section 2
Burton Drive
- ✓ C8-69-112 Parker Heights, Section 3
Oltorf Street and Burton Drive
- ✓ C8-70-48 Battle Bend Springs, Section 1-A
Battle Bend Boulevard
- ✓ C8-70-3 Phillips Subdivision
Manchaca Road and Gathright Street
- C8-69-83 Parker Heights, Section 2
Burleson Road and East Oltorf Street
- ✓ C8-70-20 Craigwood, Section 2
Craigwood Drive and Hull Circle
- ✓ C8-70-73 Dessau Estates, Section 2
Lazyridge Drive and Millhouse Street
- ✓ C8-69-85 Highland Oaks, Section 2
U.S. 183 and Shady Oaks Drive
- ✓ C8-70-33 Country Club Gardens, Section 4
Grove Boulevard and Carnation Terrace

C8-70-70 Vista West II
Long Point Drive

The staff reported that this final plat had been before the Commission before. Several reports are lacking and there is a request for a variance on the drainage fiscal requirements. This tract is west of Mesa Oaks subdivision and north of Far West Boulevard. The following letter to the staff from Mr. Jeryl Hart of Bryant-Curington, Inc. has been received:

"Please place on the Planning Commission Agenda a request for variance in the drainage requirements of the subdivision ordinance at the north end of Step Down Cove through the Park Lot, west of Valley Dale Drive between Lots 14 & 15 Block "F" and along the rear of lots northwest of Lot 3, Block "D". The variance is request to allow construction in accordance with plans submitted to the Department of Public Works.

SUBDIVISION PLATS - FILED AND CONSIDERED--contd.

The plans propose in each case to discharge water at the bottom of a rock fill into the existing natural gulleys or canyons. The natural drainage-ways are adequate to handle the storm water, the waterways are stable channels in rock and are lined with live oak, red oak, ash, red bud, and juniper trees. It is proposed that the trees be trimmed up to a high of 6' above the ground along these waterways for a width of 15 feet and the cut brush removed so that the drainageways will not accumulate silt and trash resulting from construction work upstream.

The City Engineer will confirm the considered opinion that the installation of pipes or concrete channels in this subdivision at the locations now proposed for natural waterways would not enhance the abutting property, and would probably depreciate the development to the extent of the destruction of natural trees & scenic creeks. The installation of pipes in the bottoms of the gulleys would still allow erosion of the backfill material over the pipes.

Special note is made to consider the beautiful spring fed running stream beginning below the 15'-18' bluff in the gully in the rear of Block "D".

Mr. Charles Graves, City Engineer, stated that installation of drainage pipe would do damage to the subdivision by causing erosion and is not necessary to the best development of this subdivision.

The portion of the Ordinance applicable to this situation basically states that when the Commission determines from competent information submitted to it that the cost of such pipe or the lining of the ditch would exceed the value of the enhancement of the development, the Commission may waive those improvements.

After discussion, the Commission then

VOTED: To GRANT a variance on drainage, due to topographical conditions, and DISAPPROVE, pending departmental reports, the plat of VISTA WEST II.

C8-70-80 Windsor Village
Childress Drive and Woodstock Drive

The staff reported that this is the first appearance of this plat before the Commission and not all departmental reports are completed. This is a portion of an original preliminary of Northcape Subdivision and a portion of the preliminary of Windsor Hills. An offset intersection has been created at Cy Lane and Woodstock Drive, which is contrary to the policies and recommendations of the Commission in the past. Originally the streets were lined up; since then the property has changed hands and the present developers have cut down on the block widths and distances which has caused the shift of Woodstock, thus creating an offset intersection. These streets will carry the

D

C8-70-80 Windsor Village--contd.

traffic to the Junior High School.

Mr. Tomm Watts, engineer for Bryant-Curington, Inc., briefly reviewed the history of this subdivision. He stated that the lots were very large, with low density. They are very poorly inter-connected and none of the streets line up; so that there is no major east or north-south traffic. It is felt that very few motorists will be using these streets. He stated that the alignment of these streets will cost the developer one lot of the development.

Mr. Kinser stated that mail service, garbage service, etc., and the residents would be endangered by an offset street. Mr. Reeves stated that he knew of several such inter-sections and they were very dangerous.

Mr. Osborne stated that it is his feeling that the streets should either be lined up or a reasonable offset should be provided.

Mr. Watts pointed out that the present developer did not create this situation; it is felt that very little traffic will be generated by this subdivision.

After further discussion the Commission then

VOTED: To DISAPPROVE a variance on the offset intersection, and to ACCEPT for filing and DISAPPROVE, pending departmental reports, the plat of WINDSOR VILLAGE, requiring the streets to line up at the intersection.

C

SHORT FORM PLATS - FILED AND CONSIDERED

C8s-69-70 Yager Lane Addition
Yager Lane and Highway 81

The staff reported that a request to withdraw this application has been submitted as the property has been sold in three-acre plots which does not require subdivision. The recommendation is to accept withdrawal.

The Commission then

VOTED: To ACCEPT WITHDRAWAL of the plat of YAGER LANE ADDITION.

C8s-70-137 Sue Reasoner Subdivision
Blue Bonnet Lane

The staff reported that a request to withdraw this application has been submitted as it is not necessary for the applicant's purpose, which is to combine two lots and create a duplex. The recommendation is to accept withdrawal.

The Commission then

VOTED: To ACCEPT WITHDRAWAL of the plat of SUE REASONER SUBDIVISION.

D

SHORT FORM PLATS - FILED AND CONSIDERED

The staff reported that the following three plats have complied with all requirements, and recommended approval.

The Commission then

VOTED: To APPROVE the following short form plats:

C8s-70-132 Leon Griffin Resubdivision
South First Street

C8s-70-135 The Highlands of University Hills
Northeast Drive and Northeast Cove

C8s-69-152 W. E. Powell Subdivision
F. M. 2304 (Manchaca Road)

C8s-70-138 Northwest Hills, Section 13, Resub. Lots 18-23, Block M
Knollwood Drive

This is the first appearance of this plat before the Commission. It has met all departmental requirements and requirements of the Ordinance. It is recommended that it be accepted for filing and approved.

The Commission then

VOTED: To ACCEPT for filing and APPROVE the short form plat of NORTHWEST HILLS, Section 13, Resub. Lots 18-23, Block M.

The staff reported that the following plats are appearing for the first time before the Commission. Departmental reports are lacking and it is recommended that these plats be accepted for filing and disapproved, pending specific conditions as listed.

The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the following short form plats:

C8s-70-139 Resubdivision Lot #24 Shadow Lawn
Avenue "G" and 39th Street

This is pending compliance with departmental requirements.

C8s-70-140 North Creek, Resubdivision Lots 6,7,8,9 & 10
North Creek Drive

This is pending compliance with departmental requirements and current tax certificates.

SHORT FORM PLATS - FILED AND CONSIDERED

C8s-70-143 Elmwood Estates
Elm Forest Road

This is pending compliance with departmental requirements.

C8s-70-144 Centex Mobile Home Park
State Highway 71

This is pending compliance with departmental requirements and current tax certificate.

C8s-70-148 Cameron Road and Rundberg Street Dedication
Cameron Road and Rundberg Lane

This is pending compliance with departmental requirements.

C8s-70-105 Puschman Subdivision
Stassney Lane and Hummingbird Lane

The staff explained that a variance was required on the signature of the adjoining owner. This owner's children are required to sign the agreement and they are residing in several different states. Mr. Cortez, Assistant City Attorney, has given the opinion that the Commission may grant this variance. By ownership the adjoining owner has access to this Lot 6 through Lots 3 and 4. The recommendation is that the variance be granted and the plat be approved, as all other requirements have been met.

The Commission then

VOTED: To GRANT the variance on the signature requirements of the adjoining owner, and APPROVE the short form plat of PUSCHMAN SUBDIVISION.

C8s-70-112 Manchaca Estates, Resubdivision
Miles Avenue and Cannon League Drive

The staff reported that a request for variance on drainage fiscal requirements has been submitted for this plat. The owner, Mr. Bert Ford, had submitted three estimates on the cost of this drainage, as related to the worth of the lot. A letter was quoted from Mr. Charlie Graves, City Engineer, to Mr. Ford, stating the reasons for this required drainage and the estimated cost. The staff feels that the statements from the real estate brokers are not accurate in that the cost should be spread over the value of four lots, rather than one lot.

Mr. Ford stated that he felt the drainage did not affect the fourth lot and that the cost of installing the drain pipe is more than the worth of the fourth lot. He feels that the curbing and guttering of the other three lots will handle the situation.

Mr. Kinser stated that the drainage would affect all four of the lots and add

C8s-70-112 Manchaca Estates, Resubdivision--contd.

to the value of them; now is the time to install the drainage so that the expense can be spread, rather than saddling one purchaser with all the expense.

Mr. Osborne suggested that the subdivision be postponed and that Mr. Ford discuss with the Engineering Department the possibility of the City's participation in the installation of the drainage facilities, as this is an existing tract of land annexed by the City, with an easement. Possibly the drainage pipe could be placed in the right-of-way, thus increasing the size of the lots.

After further discussion, the Commission then

VOTED: To POSTPONE for sixty days the short form plat of MANCHACA ESTATES, RESUBDIVISION.

C8s-70-146 Pleasant View Resubdivision
Live Oak and Eastside Drive

This is the first appearance of this plat before the Commission and it is in compliance with all departmental requirements, but a variance is required. This is a small two-lot short form, located on the northwest corner of the intersection of East Live Oak Street and Eastside Drive. The corner lot contains 6,393 square feet; the Subdivision Ordinance requires 6,900 square feet. The Zoning Ordinance requires 5,750 square feet for a single-family dwelling, so no action is required by the Board of Adjustment. In addition, in the immediate vicinity there are existing lots, with residences, of 4500 square feet. This variance is recommended by the staff, as being in keeping with the nature of the area.

The Commission then

VOTED: To GRANT a variance on the lot size, due to the nature of the area, and APPROVE the short form plat of PLEASANT VIEW RESUBDIVISION.

C8s-70-147 Milda Rountree's Addition
South 1st Street

The staff reported that this is the first appearance of this plat before the Commission, all departmental requirements have been met. A variance is required on the requirement for the signature of the adjoining owner. A portion of this tract was sold over a year ago; an attempt has been made to obtain the signatures and a letter is in the file stating that they do not wish to participate.

The Commission then

VOTED: To GRANT the variance on signature requirements of the adjoining owner, and APPROVE the plat of MILDA ROUNTREE'S ADDITION.

ADMINISTRATIVE APPROVAL

The staff reported that the following short form plats have received administrative approval under the Commission's rules.

The Commission then

VOTED: To ACCEPT the staff report and record in the minutes of this meeting the administrative approval of the following short form plats:

- C8s-70-113 Saint Paul's Addition
South First Street
- C8s-70-141 Shiloh Heights
West Powell Street and Lola Drive
- C8s-70-142 Laird Addition
Laird Drive and Karen Drive
- C8s-70-145 Huffstutler Subdivision
West Cow Path and Bull Run

OTHER BUSINESS

C14-70-001 Area Study

Reconsideration of restrictions and specific zoning recommendation on 0.5 acre tract on Witham Lane (part of South Austin Industrial Area Study, C14-70-001).

The staff reported that this area study included the area lying south of Ben White Boulevard and between South Congress Avenue and Interstate 35. Most of the property within this area along St. Elmo Road was recommended by the Commission for "D" Industrial development, and is developed with commercial and industrial uses. Along the south line of the study area, adjacent to the Greenwood Hills Subdivision, the Commission recommended to the Council that a 50-foot buffer zone be established, which would be designated "D" Industrial, but no construction would be permitted. The staff has been informed that a contract of sale had been entered into and completed prior to the hearing by the Commission or the Council on a 70-foot strip of land adjacent to the residential lots and in this designated buffer zone. The restriction would leave only 15 feet of buildable land which is certainly a hardship on the owner. The applicant is requesting that the Commission reconsider their recommendation and that "B" Residence zoning be established on this 70-foot strip of land. The other tracts of land in this area are intact, so that this problem should not arise again.

Mr. C. L. Reeves asked if notification of the adjoining property owners was required. Mr. Osborne explained that as this situation was not called to his attention in time to send notices or be presented as a case, that this additional information affected this property owner, and as previously the "D" Industrial zoning had been considered, it was felt the proper procedure would

C14-70-001 Area Study--contd.

be to bring it to the Commission for reconsideration.

Mr. Reeves stated that inasmuch as there had been testimony from the adjoining property owners at the previous hearing, he felt the Commission had a moral obligation to inform them that the zoning was being reconsidered.

Mr. Kinser stated that previously the Commission had protected the residents from the "D" Industrial zoning, but residential use would not be detrimental to the property.

Mr. Reeves felt that in some instances the public objected to apartment development, which is being planned for this tract, even more than to industrial development.

Mr. Richard Baker, representing the applicant, explained that his client owns two of the four abutting lots, is under contract for the third and is making every effort to purchase the fourth, as he wishes to close the street and make it a private drive to avoid a cul-de-sac. The applicant, Mr. Calvert, as an adjoining owner, was aware of the hearing but did not attend because he did not object to the "D" Industrial zoning. He was not aware of the 50-foot setback. In order to effect capital gains, the contract for the property was not finalized until the seller had owned the title to the land for six months; thus the change of ownership was not reflected on the tax records. Mr. Baker feels that perhaps the other two property owners might possibly sign a waiver stating that they did not object to the proposed change.

Mr. Osborne pointed out that Witham Lane is dedicated to Mr. Calvert's property line. This street should not be extended to St. Elmo Road to serve industrial development, which would create traffic problems in the area. If Mr. Calvert subdivides this tract, he will make arrangement for limited access or a cul-de-sac, so that no industrial traffic would intrude into the residential area. There is no general Ordinance for "D" Industrial zoning in the total study area, each tract is acted upon by the Council at the request of the owner.

The motion was made to roll back the zoning on this tract of land from "D" Industrial to "B" Residential, remove the restriction on construction of buildings, with the stipulation of notification to near-by property owners at the time of resubdivision.

VOTE: AYE Messrs. Anderson and Goodman

NAY Messrs. Kinser, Reeves, Crier, Milstead, Chamberlain,
Taniguchi and Becker

Mr. Milstead asked if the staff recommended a setback from this 70-foot tract from the adjoining industrially zoned property and was advised that a 20-foot building setback would be requested.

Mr. Osborne advised the Commission that the zoning set the precedent and that if a subdivision met all requirements it should not be turned down because of the zoning.

561

C14-70-001 Area Study--contd.

Mr. Kinser stated that he did not want to go beyond the Ordinance in this case, yet did not want to hastily turn down this request, as that would necessitate a six-month delay in bringing it before the Committee.

The motion was made to postpone this case for thirty days and send notice to those property owners affected.

VOTED: AYE Messrs. Taniguchi, Goodman, Chamberlain, Kinser, Reeves, Crier, Milstead and Becker

NAY Messrs. Anderson

C2-70-4(b) ZONING ORDINANCE: Interim Revisions

Consideration of setting of hearing on proposed mobile home park regulations.

The Director of Planning discussed the proposed mobile home park regulations, stating that two regulatory measures are being recommended; a zoning ordinance, and the other an annual permit for mobile home parks, recreational vehicle parks and campgrounds. Commercial campgrounds and a variety of related facilities are being developed both inside and outside the City. Regarding the Mobile Home District, it is recommended that it be basically the same as the "BB" Residential zoning district in permitting single-family and two-family apartment development and also small mobile home parks as a conditional use, these conditions to be itemized in the Ordinance and enforced by the Building Inspector. A small mobile home park would consist of 24 or fewer units, with the minimum size eight units or 32,000 square feet of land area. Such use would not require a hearing, as all requirements would be included in the Ordinance. The larger mobile home parks, consisting of 25 or more units, would come under Special Permit only, regardless of the present zoning of the area. Travel trailer, camper, other recreational vehicles parks and campgrounds would be allowed by Special Permit in the "O" Office district, or with conditional usage enforced by the Building Inspector, in "LR" Local Retail and less restricted districts. The Ordinance has no provision for the establishment of this use in public parks, which could be handled by Special Permit.

The sectional or manufactured house is not covered in this Ordinance, as it is placed on a permanent foundation, and must comply with the Building Code of the City. This type of housing could be established on an individual lot in any use district in the City, except in the "DL" Light Industrial district. The commercial steel building is an example of this use.

The issue of several single-family houses on one tract of land is presently under study. The Ordinance requires 4,000 gross square feet for each mobile home in a mobile home park, but the individual space may be reduced to 3,300 net square feet with a minimum width of 33 feet. The balance of the required area would be used for driveways, parking and community buildings. Five per cent of the total tract is required to be developed as a common recreational area in the larger parks.

C2-70-4(b) ZONING ORDINANCE: Interim Revisions--contd.

The question was raised as to the handling of mobile home parks developed outside the City and their status when the growth of the City resulted in their annexation. This use would come into the City as a non-conforming use, with a separate Ordinance requirement for compliance with City standards on water, drainage and sewer facilities within a certain period of time, either one or two years. Mobile home parks using septic tanks, either at the present time or when annexed in the future, should be required to use the public sewer or install a treatment system which meets the City standards.

A problem not included in this Ordinance, but being worked on by the staff at the present time for consideration by the Commission and the Council, is establishment of a policy for the provision of utilities outside the City, particularly concerning sewage disposal standards. Generally where a 25-unit or larger mobile home park is using a septic tank the facilities are inadequate. This is a definite problem near the lakes, particularly Lake Austin.

With reference to mobile home subdivision, it is the recommendation of the staff and the Texas Mobile Home Association that mobile homes on individual lots should not be allowed within the City limits. Outside the City limits, with larger lots, this would be allowed. This problem is now being considered by the Health Department of the City.

Mr. Kinser stated that the development of mobile home parks on the perimeter of a city is detrimental to the further development of homes. Mr. Osborne agreed and stated that there is a limited possibility of being able to regulate development in urban subdivisions, but the problem is that whether the property comes in on an urban or suburban basis is at the discretion of the individual property holder.

Mr. Becker stated that at some point the denial of mobile home development was discrimination, particularly in the case of young people who cannot afford to purchase other housing. It is felt that areas should be provided for mobile homes, so as not to depreciate surrounding property. At present the only controls on this development outside the City are through utility permits and health ordinances. State, Legislative and Administrative regulatory health measures are being studied at the present time regarding these controls and the ways in which these can be applied to a local or unincorporated areas. It appears that many of these regulatory measures have no statutory base.

The staff feels that mobile home subdivision should not be allowed within the City, due to the small lot sizes and the ten-year longevity of these units. This short utility span results in run-down and unkempt mobile home parks, and the ultimate abandonment of these units.

Discussion followed on the expected life of a mobile home. Banks normally finance a mobile home over a period of seven years, but recently some banks have gone to ten-year financing. With the new units, the life expectancy is longer.

At the present time there are approximately twenty-five mobile home parks in

C2-70-4(b) ZONING ORDINANCE: Interim Revisions--contd.

the City, varying in size up to 300 units. Individuals with mobile homes tend to locate in areas outside the City, particularly near lakes and recreational areas. Taxation on mobile homes is through the personal property tax. Registration is required, but often after the initial registration the units are not re-registered if the mobile home is not on the road.

Mr. Goodman stated that he felt the 33 feet requirement on lot width was not sufficient, especially with regard to expandable units.

The suggestion was made that the Commission should visit the new mobile home parks being developed near Butler Springs Road for their information.

Another facet of this Ordinance to be dealt with is the separate licensing ordinance, which already exists in the City Code established 30 years ago with respect to tourist courts and motels. There should be a continuing review and licensing procedure on an annual basis, as is done with motels at the present time. There are Texas statutory provisions covering this procedure which would apply to mobile home parks at this time. With regard to mobile homes being modified to meet building codes, this would require revised wiring and plumbing in addition to structural changes. At the present time this is not economically feasible. As controls on mobile home manufacturing are increased, this should cease to be major problem.

The Commission agreed to study the proposed mobile home park regulations and have further discussion at a later date.

C2-70-4(d) ZONING ORDINANCE: Interim Revisions

Report on date and location of hearing on proposed flood hazard regulations:

The Director of Planning informed the Commission that the Electric Department Auditorium, 301 West Avenue, would be available for the public hearing on proposed flood hazard regulations. The meeting is proposed for September 21 at 7:00 P.M. The auditorium will seat 400 people, with parking space for 100 automobiles. The Commission was agreeable to this time and location for the meeting.

C10-70-1(p) STREET AND ALLEY VACATION

Jennie Avenue from Augusta Avenue westerly 80.12 feet.

Alley located east of Patterson Avenue between lots 24 and 25 of West End Heights.

The staff reported to the Commission that Lots 24 and 25 and the tract just north of Jennie Avenue were considered for a change of zoning last month, requested change from "A" Residential to "C" Commercial. The Commission recommended "A" Residential on the front portion of this tract and "BB" Residential on the back portion; subsequently the City Council denied any change, leaving it at the present time "A" Residential. This request for vacation has been circulated to the various City departments, and the recommendation is in favor subject to the retention of easements.

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C10-70-1(p) STREET AND ALLEY VACATION--contd.

Mr. Lillie pointed out that Lot 1 has dedicated street frontage only on Jennie Avenue. If the right-of-way is vacated the lot would not have street frontage.

The staff's recommendation is to vacate the 20-foot portion of right-of-way between Lots 24 and 25 on Patterson Avenue, subject to retention of necessary easements, but to recommend against the vacation of Jennie Avenue.

Mr. Reeves stated that Jennie Avenue would never be completed, as there is a 20-foot bluff at the property line, rendering the street useless.

After brief discussion, the Commission then

VOTED: To recommend NOT TO VACATE Jennie Avenue from Augusta Avenue westerly 80.12 feet, but to recommend that the alley located east of Patterson Avenue between Lots 24 and 25 of West End Heights be VACATED, subject to the retention of necessary easements.

AYE Messrs. Kinser, Anderson, Crier, Milstead, Chamberlain, Taniguchi, Becker and Goodman

NAY Mr. Reeves

C10-70-1(q) ALLEY VACATION

Alley in Winn School Tract from I. H. 35 to East 19½th Street.

The staff reported that the alley under consideration and the land on both sides of it is now owned by the Urban Renewal Agency and is in the University East Urban Renewal Project. The request is in conformance to the Urban Renewal Plan. The Urban Renewal Agency is requesting this vacation. There are no easements required. The staff recommendation is to vacate this alley.

The Commission then unanimously

VOTED: To recommend that the alley in Winn School Tract from I. H. 35 to East 19½th Street be VACATED.

C10-70-1(r) STREET VACATION

Arterial Street (Vinson Drive) from Oltorf Street to Cumberland Road.

This request is made by Mrs. Judy A. Harrell, B. T. Webb and Dr. Thomas H. Barnett, who own a mobile home park situated on 8.5 acres bounded on the west and south by the Great Northern Railroad tracks, on the east by properties owned by R. G. Mueller and Moton H. Crockett, Jr., and a dedicated, but not existing street, and on the north by a portion of Oltorf Street and a Southwestern Bell Telephone Company installation.

The applicant would like to have this dedicated street vacated. The City owns the property on the east side of the street. Their present mobile home park makes use of the natural landscape and is well-maintained. The vacation

C10-70-1(r) STREET VACATION--contd.

of this unused street will enable them to further improve the mobile home facilities. This right-of-way on one of the City's major arterial streets, extending from Oltorf Street to Stassney Lane is 70-90 feet in width. It is the recommendation of the Traffic and Transportation, Public Works and Planning Departments that this right-of-way not be vacated.

Mr. Osborne of the staff pointed out to the Commission that a portion of this right-of-way near Cumberland Road will need to be re-located in the future. The problem stems from a creek in the area, and an effort should be made to work with the homeowners to re-locate the right-of-way and preserve this area.

After brief discussion, the Commission unanimously

VOTED: To recommend that the request for vacation of Vinson Drive, a major arterial street right-of-way from Oltorf Street to Cumberland Road be DENIED.

R141 PLANNING COMMISSION: Rules and Regulations

Consideration of proposed amendment to the Planning Commission Rules and Regulations - Subdivision Ordinance Provisions.

The Director of Planning requested that this item be withdrawn from the agenda for this meeting. The Homebuilders' Association has requested a review of this proposal and the addition of several items. Also, the Department of Public Works has requested that additions be made. These changes will deal with platting requirements and methods of eliminating existing cumbersome procedures regarding intersecting streets. The placement of right-of-way at an intersection is inconsistent with the location of paving within that right-of-way. When these problems have been resolved, the proposal will be brought before the Commission for consideration.

The Commission unanimously agreed to this withdrawal.